

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MICHAEL ANTONIO STEPHENS,)
)
)
 Plaintiff,)
)
)
 v.) 1:11CV57
)
)
J.C. HUGGINS, et al.,)
)
)
 Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 1, 2011, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss [Doc. 28] is **GRANTED**, that Plaintiff's motion for summary judgment [Doc. 47] is **DENIED**, and that this action is dismissed with prejudice as to all Defendants and without the assessment of costs. This action is dismissed as to Defendant Walker pursuant

to 28 U.S.C. § 1915(e)(2)(B)(ii). A judgment dismissing this action will be entered contemporaneously with this Order.

William L. Osteen, Jr.
United States District Judge

Date: March 29, 2012